

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 3rd day of September, 2013 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT:	Adan Chapa	Mayor
	Phillip Hyatt	Mayor Pro Tempore
	Ramiro Gomez	Council Member
	Billy Ellis	Council Member
	Vickie Abrego	Council Member

ABSENT:

ADMINISTRATIVE PERSONNEL PRESENT:	Allen Lawrence	City Attorney
	Sylvia Carrillo	City Manager
	Yvonne Stonebraker	City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT:	Bill Haines	EMC/Admin Coordinator
	Eric Blanchard	Police Chief
	Rickie Kilgore	Fire Chief
	Mike Holmes	Building Official
	Paul Alvarado	Public Works Director
	Donna Cox	Municipal Court
	Sandy Roddel	Finance Director
	Jeff Martin	I.T.
	Sarah Lee	Civic Center Manager
	Earl Buckmaster	Harbor Master
	Amanda Torres	Administrative Assistant
	Brooke Ostrom	Social Media Intern

OTHERS PRESENT: J.P. Gonzales, Annita West, Lupe & Estele Torres, Mr. B Bowers, Dylan Rasha, Buck Shedd, LeAnne Vaillette, Carol Salinas, Irwin Walters, Ernie & Olivia Torres, Mike & Bernie O'Grady, Robert Stott, Donald & Jeanie Brummett, Ed & Ellie Block, Kathryn Foley, Mike & Jan Moore, Ryan Therrell, Kyle Alston, Barbara Oxford, Chris Coulter, James Coulter, Sandi Keene, Jeanne Hunter, Mary Sue Eulitz, Jim Cross, Chad Smith, Amber Lowe, Treaver Odom, Jeremiah Robles, Joey Robles III and Patsy Lawrence.

There may have been others present who did not sign in.

1. **CALL MEETING TO ORDER.**

Mayor Chapa called the meeting to order at 7:00 P.M. on September 3, 2013.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Chapa gave the invocation and led the Pledge of Allegiance to the United States Flag.

3. **CONSENT AGENDA.**

A. CONSIDER AND ACT ON MINUTES OF AUGUST 19, 2013.

B. CONSIDER AND ACT ON ORDINANCE NO. 2013- 4041-AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY ADDING A SECTION VI TO CHAPTER 18 REGARDING ALARM SYSTEMS, PROVIDING A REPEALER CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Ellis made a motion to approve the consent agenda. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

4. PRESENTATION OF PROCLAMATION BY MAYOR ADAN CHAPA.

Mayor Chapa read a proclamation proclaiming September 3, 2013 as "Master Sergeant Elizabeth Blackburn Day". Mayor Chapa accepted the proclamation on behalf of Master Sergeant Blackburn's family.

5. PRESENTATION BY MR. VICTOR DIAZ, TEXAS MUNICIPAL LEAGUE, ON EMPLOYEE HEALTH INSURANCE.

Mr. Brett Bowers with Texas Municipal League made the presentation on employee health insurance for Mr. Victor Diaz.

Mr. Bowers stated the Texas Municipal League - Intergovernmental Employee Benefits Board (TML-IEBB) not for profit, was governed by Mayors, Council Members and City Managers who understands the impact of the taxpayer dollar. He stated the TML-IEBB's mission was to lower expenses and minimize out of pocket cost for members. He stated there were 860 different groups who participate in TML-IEBB pool. Mr. Bowers stated TML-IEBB had an alliance with United Health Care. He stated TML-IEBB was not owned by United Health Care but TML-IEBB accessed the United Choice Plus Network which offered discounts and a very strong network.

Mr. Bowers stated United Choice Plus offered Tele-medicine that had \$10.00 co-pay for medication. He stated tele-medicine was 24 hours a-day, 365 days a-year. He stated there were several pharmacies that offered generic medicine at no out-of-pocket cost and preferred lab benefits at no out-of-pocket costs. Mr. Bowers stated the TML-IEBB believes in wellness and for every employee who has a wellness check a calendar year, TML-IEBB will send them a check for \$150.00.

6. CONSIDER AND ACT ON APPROVING A HEALTH CARE PROVIDER FOR THE CITY OF ARANSAS PASS EMPLOYEES.

Council Member Abrego made a motion to approve Texas Municipal League as health care provider for the City of Aransas Pass employees. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

7. CONSIDER AND ACT ON AMENDING MR. KENNETH THOMPSONS ICW R.V. PARK LEASE FOR OFF PREMISE SIGN PLACEMENT.

City Manager Carrillo stated the City of Aransas Pass did not allow businesses to have off premise signage. She stated Mr. Kenneth Thompson was allowed to put a sign on the City of Aransas Pass' Waste Water Treatment Plant (WWTP) fence during an Executive Session. She stated the City Council needed to revise Mr. Thompson's lease stating he can keep his sign on the WWTP fence.

Mayor Pro Tem Hyatt made a motion to approve amending Mr. Kenneth Thompson's ICW R.V. Park lease for off premise sign placement. Council Member Ellis seconded the motion and the motion carried unanimously.

8. PUBLIC HEARING ON REQUEST OF MR. GLENN SMITH TO REZONE TO RV. THE PROPERTY IS DESCRIBED AS LOTS 9-10, BLOCK 237, ARANSAS PASS, TEXAS.

BURTON AND DANFORTH, ACRES 10.00, 225 W YOUNG STREET. THE PROPERTY IS ZONED (R-7B) RESIDENTIAL DISTRICT.

Passed on.

9. CONSIDER AND ACT ON REQUEST OF MR. GLENN SMITH TO REZONE TO RV. THE PROPERTY IS DESCRIBED AS LOTS 9-10, BLOCK 237, ARANSAS PASS, TEXAS, BURTON AND DANFORTH, ACRES 10.00, 225 W YOUNG STREET. THE PROPERTY IS ZONED (R-7B) RESIDENTIAL DISTRICT.

Passed on.

10. CONSIDER AND ACT BUDGET AMENDMENTS FOR THE ADOPTED FISCAL YEAR 2012-2013 ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT BUDGET.

Passed on.

11. PUBLIC HEARING ON PROPOSED FISCAL YEAR 2013-2014 ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT BUDGET.

Passed on.

12. CONSIDER AND ACT ON PROPOSED FISCAL YEAR 2013-2014 ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT BUDGET.

Passed on.

13. CONSIDER AND ACT ON REQUEST BY MR. MIKE MOORE FOR HOTEL/MOTEL FUNDS FOR THE INTERNATIONAL FISHING ASSOCIATION NOT TO EXCEED \$3,200.

Mr. Mike Moore, Redfish Bay Boathouse House, stated the International Fishing Association (IFA) holds their fishing tournaments in Port Aransas. He stated the IFA would like to hold their tournament in Aransas Pass on September 6-8, 2013. Mr. Moore stated he would like to request \$3,200.00 from the Hotel Motel Tax to help with expenses.

Council Member Abrego made a motion to approve the request of Mr. Mike Moore for Hotel Motel Funds for the International Fishing Tournament not to exceed \$3,200.00. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

14. CONSIDER AND ACT ON REQUEST BY MR. MIKE MOORE FOR HOTEL/MOTEL FUNDS FOR THE HAYNIE BOAT SHOW NOT TO EXCEED \$2,700.

Mr. Mike Moore stated Redfish Willies had over 400 owners show up to the Haynie Owner Boat Show last year. He stated he would like to request funds for this year's Haynie Boat Show not to exceed \$2,700.00.

Mayor Pro Tem Hyatt made a motion to approve the request by Mr. Mike Moore for Hotel/Motel Funds for the Haynie Boat Show not to exceed \$2,700. Council Member Abrego seconded the motion and the motion carried with Council Member Ellis and Gomez voting no and Mayor Chapa breaking the tie.

15. CONSIDER AND ACT ON NAISMITH ENGINEERING'S CONN BROWN HARBOR PARK IMPROVEMENTS 2012 CHANGE ORDER NO. C01 - FOR A TOTAL AMOUNT OF \$11,200.50.

Mayor Pro Tem Hyatt made a motion to table Naismith Engineering's Conn Brown Harbor Park Improvements 2012 Change Order No. C01 – for a total amount of \$11,200.50. Council Member Abrego seconded the motion and the motion carried unanimously.

16. CONSIDER AND ACT ON ALLOWING THE POLICE CHIEF TO ENTER INTO AN AGREEMENT WITH TASER INTERNATIONAL TO SPEND FUNDS NOT TO EXCEED \$10,000.00 FOR ADDITIONAL ON-BODY CAMERAS AND ONLINE STORAGE SERVICES FOR 2 YEARS.

Police Chief Eric Blanchard stated the new equipment would be good for the city's plain clothes officers. He stated the taser's were equipped with night vision. He stated the tasers would be purchased with Federal Drug Seizure Funds.

Council Member Abrego made a motion to approve allowing the Police Chief to enter into an agreement with Taser International to spend funds not to exceed \$10,000.00 for additional on-body cameras and on-line storage services for 2 years. Council Member Ellis seconded the motion and the motion carried unanimously.

17. CONSIDER AND ACT ON APPROVING ARANSAS PASS POLICE DEPARTMENT, TRAINING DIVISION TO USE TWO PARKING LOTS AT THE ARANSAS PASS COMMUNITY PARK ON EAST JOHNSON STREET AND RESTRICTING ACCESS TO THE LITTLE LEAGUE PARKING LOT AND THE NORTHEAST PARKING LOT BEHIND THE SHRIMPOREE GROUNDS DURING THE FOLLOWING TIMES: (MONDAY 09/16/2013 THROUGH WEDNESDAY 09/18/2013 FROM 7AM TO 7PM EACH DAY; MONDAY 10/28/2013 THROUGH WEDNESDAY 10/30/2013 FROM 7AM TO 7PM EACH DAY; AND MONDAY 11/18/2013 THROUGH WEDNESDAY 11/20/2013 FROM 7AM TO 7PM EACH DAY)

Police Chief Blanchard stated the City of Aransas Pass Police Department wanted to hold driver training classes. He stated the APPD would invite surrounding agencies to participate.

Mayor Pro Tem Hyatt made a motion to approve Aransas Pass Police Department, training division to use two parking lots at the Aransas Pass Community Park on East Johnson Street and restricting access to the Little League parking lot and the northeast parking lot behind the shrimpoeree grounds during the following times: (Monday 09/16/2013 through Wednesday 09/18/2013 from 7am to 7pm each day; Monday 10/28/2013 through Wednesday 10/30/2013 from 7am to 7pm each day; and Monday 11/18/2013 through Wednesday 11/20/2013 from 7am to 7pm each day). Council Member Ellis seconded the motion and the motion carried unanimously.

18. CONSIDER AND ACT ON APPROVING DEMOLITION OF CITY OWNED PROPERTY 820 W. WHEELER AVENUE.

City Manager Carrillo stated the City of Aransas Pass had code enforcement issues that needed to be taken care. She stated 820 W. Wheeler was beyond repair and the city needed to demolish the building.

Building Official Mike Holmes stated the City would need to pay for an asbestos survey before the building at 820 W. Wheeler could be demolished.

Mayor Pro Tem Hyatt made a motion to approve the demolition of city owned property 820 W. Wheeler Avenue. Council Member Ellis seconded the motion and the motion carried unanimously.

19. CONSIDER AND ACT ON REQUEST OF MR. ROBERT COHEN FOR A 30 DAY EXTENSION TO MOVE OUT OF THE BUILDING LOCATED AT 405 BIGELOW. LEASE TERMINATED 08/05/2013

Mayor Pro Tem Hyatt made a motion to approve the request of Mr. Robert Cohen for a 30-day extension to move out of the building located at 405 Bigelow. Lease terminated on 08/05/2013. Council Member Ellis seconded the motion and the motion carried unanimously.

20. **CONSIDER AND ACT APPROVING PHASE III OF THE WATER CONSERVATION/DROUGHT CONTINGENCY PLAN.**

Council Member Abrego made a motion to approve moving to Phase III of the Conservation/ Drought Contingency Plan. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

21. **CITY MANAGER UPDATES:**

City Manager Carrillo spoke on a possible skate park for the City of Aransas Pass, brush burning denied by the State at the city transfer station and making all city department heads put their own budgets together.

22. **CITIZENS COMMENTS.**

Mr. Irwin Walters stated he had received a letter from past City Manager Rick Ewaniszyk regarding the Pelican Cove fence and asked for the letter to be part of the September 3, 2013 minutes:

Mike:

As we discussed, I was City Manager of Aransas Pass from 1985 until 2003. During that time Pelican Cove was zoned, platted, permitted, constructed, and sold initially to homeowners. The developer was Mr. S. Gene Payte of Fort Worth, Texas. Mr. Payte and his various project managers were very professional and extremely easy to work with. Mr. Payte did everything that the city requested of his company during that development project.

You asked me if I remembered anything about the construction of the fence along the Porpoise Street city right of way adjacent to the railroad right of way. The fence was discussed by the City Council and possibly by the Planning and Zoning Commission at one of their meetings about this project. Since the City did not have the funds budgeted at the time, Mr. Payte offered to build the fence at his cost if the city would thereafter maintain same. This fence was built by Mr. Payte's firm and the city agreed to maintain the fence thereafter. This explains why the fence was built in city right of way.

Documentation was provided at the time and should still be in the city's files. I do not remember if the approval of the fence was part of a larger platting or development meeting on one of the phases of this project. Mr. Payte is unfortunately deceased but his son Don Payte may be able to shed some additional light on this issue if documentation is not readily available. Don Payte attended a few of the meetings that we had with his father.

Also, Allen Lawrence was City Attorney at this time and he may remember this as well. I hope this is of some help in this matter.

*Sincerely,
Rick Ewaniszyk*

Ms. Carol Salinas stated tax dollars needed to be spent on cleaning up the City of Aransas Pass instead of fixing or replacing a fence in Pelicans Cove.

Mr. Dillon Raska would like to help the City of Aransas Pass with fundraisers to help build a skate park for Aransas Pass.

23. **PUBLIC HEARING NO. 1 ON FY 2013-2014 PROPOSED BUDGET FOR THE CITY OF ARANSAS PASS.**

City Manager Carrillo stated the General Fund had proposed new revenues: fees for Citizens Collection Station for Commercial Customers; Fire Safety Fee; Increase in building, electrical and plumbing fees; Municipal Court administration fees; Fire and

burglar alarm fees; Hazmat response for non-citizens; Certificate of Occupancy permits and Annual transfer from San Patricio Drainage District. She stated the new water meters improved efficiency in billing; health insurance had a savings of \$250,000.00. She stated more money needed to be put toward street repairs and that the City of Aransas Pass needed developers to adhere to the model subdivision rules.

Ms. Carol Salinas asked for more funds to be put toward street repair. She stated she had friends move out of Aransas Pass for poor streets.

24. RECESS OPEN MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Mayor Chapa recessed the Open Meeting and retired to Executive Session at 8:24 P.M

A. SECTION 551.074 – DELIBERATIONS REGARDING PERSONNEL-SCHOOL CROSSING GUARD

B. SECTION 551.072-DELIBERATIONS REGARDING REAL PROPERTY-CONN BROWN HARBOR

25. RECONVENE OPEN MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Mayor Chapa reconvened the Open Meeting at 9:39 P.M.

A. SECTION 551.074 - DELIBERATIONS REGARDING PERSONNEL-SCHOOL CROSSING GUARD

No Action.

B. SECTION 551.072-DELIBERATIONS REGARDING REAL PROPERTY-CONN BROWN HARBOR

No Action.

26. ADJOURNMENT OF MEETING.

Mayor Pro Tem Hyatt made a motion to adjourn the meeting. Council Member Ellis seconded the motion and the motion carried unanimously.

Mayor Chapa adjourned the meeting at 9:40 P.M.

Adan Chapa, Mayor

Attest:

Yvonne Stonebraker, City Secretary